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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0216/P1

MES.

WANTee Wed 12/4

JTK, RSM, JK, RAC, ARG, RGT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERTS

Gen Cat

Warren Knowles
Gaylord Nelson

CS
"m"

1 AN ACT...; relating to: authorizing the creation of a metropolitan service district,
2 authorizing a metropolitan service district to levy a property tax, authorizing
3 a metropolitan service district to apply for funding from certain programs that
4 receive funding from the Stewardship 2000 Program, authorizing certain
5 towns to use tax incremental financing, and authorizing a metropolitan service
6 district to impose impact fees and issue debt.

*Analysis by the Legislative Reference Bureau
To be provided in a future version of the draft*

FE-SL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.09 (19) (a) 2. of the statutes is amended to read:

8 23.09 (19) (a) 2. "Governmental unit" means a city, village, town, county, lake
9 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and
10 rehabilitation district, or metropolitan service district under subch. VI of ch. 229

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2 3
1 which provides parks and recreation services under s. 229.863 (2)(d), or the Kickapoo
2 reserve management board.

3 **SECTION 2.** 23.09 (20) (ab) 1. of the statutes is amended to read:

4 23.09 (20) (ab) 1. "Governmental unit" means a municipality, a metropolitan
5 service district under subch. VI of ch. 229 which provides parks and recreation
6 services under s. 229.863 (2)(d), or the Kickapoo reserve management board.

7 **SECTION 3.** 23.09 (20m) (a) 1. of the statutes is amended to read:

8 23.09 (20m) (a) 1. "Governmental unit" means a city, village, town, county, or
9 metropolitan service district under subch. VI of ch. 229 which provides parks and
10 recreation services under s. 229.863 (2)(d), or the Kickapoo reserve management
11 board.

12 **SECTION 4.** 23.0917 (4m) (a) 3. of the statutes is amended to read:

13 23.0917 (4m) (a) 3. "Local governmental unit" means a city, village, town,
14 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake
15 protection and rehabilitation district, or metropolitan service district under subch.
16 VI of ch. 229 which provides parks and recreation services under s. 229.863 (2)(d).

17 **SECTION 5.** 23.094 (1) of the statutes is amended to read:

18 23.094 (1) DEFINITION. In this section, "political subdivision" means a city,
19 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or public
20 inland lake protection and rehabilitation district, or metropolitan service district
21 under subch. VI of ch. 229 which provides parks and recreation services under s.
22 229.863 (2)(d).

23 **SECTION 6.** 25.50 (1) (d) of the statutes is amended to read:

24 25.50 (1) (d) "Local government" means any county, town, village, city, power
25 district, sewerage district, drainage district, town sanitary district, public inland

1 lake protection and rehabilitation district, local professional baseball park district
2 created under subch. III of ch. 229, family care district under s. 46.2895, local
3 professional football stadium district created under subch. IV of ch. 229, local
4 cultural arts district created under subch. V of ch. 229, metropolitan service district
5 under subch. VI of ch. 229, public library system, school district or technical college
6 district in this state, any commission, committee, board or officer of any
7 governmental subdivision of this state, any court of this state, other than the court
8 of appeals or the supreme court, or any authority created under s. 231.02, 233.02 or
9 234.02.

History: 1975 c. 164; 1977 c. 29, 187; 1979 c. 34 s. 2102 (46) (a); 1979 c. 175 s. 53; 1981 c. 20, 93; 1983 a. 27 s. 2202 (45), (49); 1985 a. 29 s. 3202 (46); 1987 a. 27; 1989 a. 31, 159, 336; 1991 a. 33, 39; 1993 a. 16, 399; 1995 a. 27, 56, 274; 1999 a. 9, 65, 83, 167; 2001 a. 38.

10 **SECTION 7. 27.01 (3) of the statutes is amended to read:**

11 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may
12 not transfer the ownership of any state park or land within any state park to any
13 ~~county, city, village or, town,~~ county, or metropolitan service district under subch. VI
14 of ch. 229 which provides parks and recreation services under s. 229.863 ^{(2)(d)} ~~(2)(b)~~ unless ✓
15 ~~it~~ the department receives the approval of the joint committee on finance regarding
16 the appropriate level of reimbursement to be received by the state to reflect the
17 state's cost in acquiring and developing the state park or land within the state park.

18 **SECTION 8. 27.075 (1) of the statutes is amended to read:**

19 27.075 (1) The county board of any county with a population of less than
20 500,000 is hereby vested with all powers of a local, legislative, and administrative
21 character for the purpose of governing, managing, controlling, improving, and caring
22 for public parks, parkways, boulevards, and pleasure drives; and to carry out these
23 powers in districts which it may create for different purposes, or throughout the
24 county, and for such purposes to levy county taxes, to issue bonds, assessment

certificates, and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred under this section may be exercised by the county board in any ~~town, city or village~~ city, village, or town, or part thereof located in such ~~the~~ county upon the request of any such ~~town, city or village~~ city, village, or town, evidenced by a resolution adopted by a majority vote of the members-elect of its governing body, designating the particular park function, duty, or act, and the terms, if any, upon which the same shall be exercised by the county board. ~~Such~~ The resolution shall state whether the authority or function is to be exercised exclusively by the county or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall also state that the exercise of ~~such the~~ power by the county is in the public interest. Upon the receipt of the resolution, the county board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of ~~such the~~ authority or function, upon the terms and conditions set forth in the resolution presented by the ~~town, city or village~~ city, village, or town. A city, village, or town whose parks and recreation services are provided under s. 229.863 ^{(2)(d)} ~~(a)(b)~~ by a metropolitan service district under subch. VI of ch. 229 may negotiate the termination of any agreement entered into with a county under this subsection. ✓

SECTION 9. 27.075 (2) of the statutes is amended to read:

27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted by a majority of its membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns located in such ~~the~~ county, or any of them, that it offers to exercise ~~such the~~ powers and functions ~~therein in order that are necessary~~ to consolidate municipal park services and functions in said ~~the~~ county. ~~Such~~ The resolution shall designate the particular function, duty, or act and the terms and conditions, if any, upon which the county board will perform the same. The powers conferred in sub.

(1) and designated in such the resolution may thereafter be exercised by the county board in each such town, city or village which shall accept such city, village, or town which accepts the proposal by the adoption of a resolution by a majority vote of the members-elect of its governing body, except that no governing body may accept any proposal described under this subsection unless it contains a provision under which the city, village, or town may terminate its agreement with the county if the city, village, or town wishes to have its parks and recreation services provided under s. 229.863 ^{(2)(d)} ~~(3)(b)~~ by a metropolitan service district under subch. VI of ch. 229.

SECTION 10. 27.075 (3) of the statutes is amended to read:

27.075 (3) After the adoption of resolutions by the county board, the county board shall have full power to it may legislate upon and administer the entire subject matter committed to it, and among other things, to and may determine, where not otherwise provided by law, the manner of exercising the power thus assumed. No county may exercise any power under this section in a city, village, or town whose parks and recreation services are provided under s. 229.863 ^{(2)(d)} ~~(3)(b)~~ by a metropolitan service district under subch. VI of ch. 229.

SECTION 11. 27.075 (4) of the statutes is amended to read:

27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter into ~~necessary contracts~~ ^{a contract} with the county, and appropriate money to pay the county, for the reasonable expenses incurred in rendering the park services assumed. Such The contract shall also provide a procedure for the termination of the contract by any city, village, or town that wishes to have its parks and recreation services provided under s. 229.863 ^{(2)(d)} ~~(3)(b)~~ by a metropolitan service district under subch. VI of ch. 229. The expenses may be certified, returned, and paid as are other county charges, and, in the case of services performed pursuant to under a proposal for the consolidation

1 thereof of municipal park services initiated by the county board and made available
2 to each ~~town, city and village~~ city, village, and town in the county on the same terms,
3 the expenses thereof shall be certified, returned, and paid as county charges; but in
4 the event that each and every town, city and village if every city, village, and town
5 in the county shall accept such accepts the proposal of the county board the expenses
6 thereof shall be paid by county taxes to be levied and collected as are other taxes for
7 county purposes. Said towns, cities and villages are vested with all necessary power
8 to do the things herein required and to do all things and to exercise or relinquish any
9 of the powers herein provided or contemplated. The procedure herein provided in
10 this section for the request or acceptance of the exercise of the powers conferred on
11 the county board in cities and villages is hereby prescribed as a special method of
12 determining the local affairs and government of such cities and villages pursuant to
13 article XI, section 3, of the constitution.

14 **SECTION 12.** 27.08 (1) of the statutes is amended to read:

15 27.08 (1) Every city that does not have its parks and recreation services
16 provided under s. 229.863 (2)(d) by a metropolitan service district under subch. VI
17 of ch. 229 may by ordinance create a board of park commissioners subject to this
18 section, or otherwise as provided by ordinance. Such, and if the city has a board of
19 park commissioners the city shall terminate that board and end the board's authority
20 under this section upon the city's decision to have its parks and recreation services
21 provided under s. 229.863 (2)(d). The board shall be organized as directed by the
22 common council shall provide. (2)(d)

23 **SECTION 13.** 27.08 (3) of the statutes is amended to read:

24 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
25 commissioners ~~its~~ and its parks and recreation services are not provided under s.

< use 2x >

(2)(d)

1 229.863 ~~(a)(1)~~ by a metropolitan service district under subch. VI of ch. 229, the city's
2 public parks, parkways, boulevards, and pleasure drives shall be under the charge
3 of its board of public works, if it has such last named board; otherwise or, if it does
4 not have such a board, under the charge of its common council. When so in charge,
5 the board of public works or the common council may exercise all of the powers of a
6 board of park commissioners. Upon a city's decision to have its parks and recreation
7 services provided under s. 229.863 ~~(a)(1)~~ ^{(2)(d)}, the city's board of public works or common
8 council may not exercise any authority under this section. ✓

9 **SECTION 14.** 30.277 (1b) (a) of the statutes is amended to read:

10 30.277 (1b) (a) "Governmental unit" means a city, village, town, county, or
11 metropolitan service district under subch. VI of ch. 229 which provides parks and
12 recreation services under s. 229.863 ~~(a)(1)~~ ^{(3)(b)}, or the Kickapoo reserve management
13 board. (1)

14 **SECTION 15.** 59.69 (2) (g) of the statutes is created to read: subdivision

15 59.69 (2) (g) 1. Subject to subd. 2., not later than the first day of the 7th month
16 after the effective date of this paragraph.... [revisor inserts date], the county zoning
17 agency shall designate the boundaries of all urbanized areas in the county, based on
18 at least all of the following factors:

- 19 a. Population density.
20 b. Compactness.
21 c. Community of interests.
22 d. Cost effectiveness of service delivery. ✓

23 2. A county zoning agency may act under subd. 1. only if the county is not part
24 of a regional planning commission. If a county is not part of a regional planning
25 commission, the zoning agency may contract with any regional planning commission ✓

1 to designate the urbanized areas of the county, based on the factors listed in, and
2 subject to the time limits specified in, subd. 1.

3 3. Following an initial designation of urbanized areas under this paragraph,
4 a county zoning agency, or regional planning commission under subd. 2., shall
5 redesignate urbanized areas of the county every 5 years, based on the factors listed
6 in subd. 1.

7 4. The boundaries of an urbanized area may consist of any combination of the
8 whole of any city, the whole of any village, or the whole or part of any town.

****NOTE: Your instructions imply that redesignations of urban areas may occur,
i.e. the 9/13 memo states that "Once a district is created, it will continue in effect, even
if the urbanized area designation is removed." Is the 5 year interval for county or RPC
redesignation in subd. 3. and in s. 66.0309 (8) (c) consistent with your intent?

9 **SECTION 16.** 59.69 (5) (c) of the statutes is amended to read:

10 59.69 (5) (c) A county ordinance enacted under this section shall not be effective
11 in any town until it has been approved by the town board. If the town board approves
12 an ordinance enacted by the county board, under this section, a certified copy of the
13 approving resolution attached to one of the copies of such ordinance submitted to the
14 town board shall promptly be filed with the county clerk by the town clerk. The
15 ordinance shall become effective in the town as of the date of the filing, which filing
16 shall be recorded by the county clerk in the clerk's office, reported to the town board
17 and the county board, and printed in the proceedings of the county board. The
18 ordinance shall supersede any prior town ordinance in conflict therewith or which
19 is concerned with zoning, except as provided by s. 60.62 or by s. 229.863 (3) (d).

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410;
1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126
(19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

20 **SECTION 17.** 59.69 (7) of the statutes is amended to read:

21 59.69 (7) CONTINUED EFFECT OF ORDINANCE. Whenever an area which has been
22 subject to a county zoning ordinance petitions to become part of a city or village, the

under subch. VI of ch. 229

1 regulations imposed by the county zoning ordinance shall continue in effect, without
2 change, and shall be enforced by the city or village until the regulations have been
3 changed by official action of the governing body of the city or village, except that in
4 the event an ordinance of annexation is contested in the courts, the county zoning
5 shall prevail and the county shall have jurisdiction over the zoning in the area
6 affected until ultimate determination of the court action. Whenever an area which
7 has been subject to a county zoning ordinance becomes part of a metropolitan service
8 district and the district provides zoning services under s. 229.863 (2)(e), that town
9 territory is not subject to a county zoning ordinance and the county zoning ordinance
10 may not be enforced within the town.

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

11 **SECTION 18.** 60.61 (3) (d) of the statutes is created to read: ✓

12 60.61 (3) (d) The town is not subject to zoning authority that is exercised by a
13 municipal service district under s. 229.863 ~~(2)(b)~~ (2)(e).

14 **SECTION 19.** 60.62 (1) of the statutes is amended to read:

15 60.62 (1) Subject to subs. (2), (3), (3m), and (4), if a town board has been granted
16 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
17 ordinances under s. 61.35.

History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182.

18 **SECTION 20.** 60.62 (3m) of the statutes is created to read:

19 60.62 (3m) The town board may not exercise authority under sub. (1) if the
20 town is part of a metropolitan service district that exercises zoning authority under s.
21 229.863 ~~(2)(b)~~ (2)(e) ✓

22 **SECTION 21.** 61.65 (1) (a) 2. of the statutes is amended to read:

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61.65 (1) (a) 2. Contracting for police protective services with a city or town, with another village or with the county in which the village is located. A village that contracts for police protective services under this subdivision shall pay the full cost of services provided.

metropolitan

History: 1975 c. 94 s. 91 (5); 1975 c. 199; 1977 c. 29 s. 1654 (8) (d); 1977 c. 182; 1979 c. 256; 1981 c. 96 s. 67; 1981 c. 171; 1985 a. 166; 1987 a. 27, 399; 1993 a. 16, 77, 213.

SECTION 22. 61.65 (1) (a) 4. of the statutes is created to read:

61.65 (1) (a) 4. Contracting for police protective services with a municipal services district that provides such service under s. 229.863 ^{(2)(h)} ~~(b)(1)~~ and ^{(3)(e)} ~~(4)(a)~~.

SECTION 23. 61.65 (2) (a) 5. of the statutes is created to read:

61.65 (2) (a) 5. Contracting for fire protection services with a municipal service district that provides such services under s. 229.863 ^{(2)(c)} ~~(b)(1)~~ and ^{(3)(e)} ~~(4)(a)~~.

SECTION 24. 62.13 (1) of the statutes is amended to read:

62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of 5 years. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. The board shall keep a record of its proceedings.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182.

SECTION 25. 62.13 (2s) of the statutes is created to read:

62.13 (2s) ~~MUNICIPAL~~ ^{Metropolitan} SERVICE DISTRICTS, CONTRACT SERVICES. A city may provide for police protective services by contracting with a municipal service district that provides such services under s. 229.863 ^{(2)(h)} ~~(b)(1)~~ and ^{(3)(e)} ~~(4)(a)~~.

SECTION 26. 62.13 (8) of the statutes is amended to read:

metropolitan

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62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a paid or a volunteer fire department and for the management and equipment of either insofar as not otherwise provided for by law. In the case where a combination of paid and volunteer fire department is provided for, such city shall be reimbursed by the department of transportation, not to exceed \$500 for any fire calls on a state trunk highway or on any highway that is a part of the national system of interstate highways and is maintained by the department of transportation. A city may also provide for fire protection services by contracting with a ~~municipal~~ services district that provides such services under s. 229.863 ^{(2)(c)} ~~(b)(1)~~ and ^{(3)(e)} ~~(a)(1)~~. metropolitan

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182.

SECTION 27. 66.0217 (2) of the statutes is amended to read:

66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided in s. 229.864 ⁽⁴⁾, if a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (4). In an annexation under this subsection, subject to sub. (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30.

1 **SECTION 28.** 66.0217 (3) (a) (intro.) of the statutes is amended to read:

2 66.0217 (3) (a) *Direct annexation by one-half approval.* (intro.) **A Except as**
3 provided in s. 229.864 (4), a petition for direct annexation may be filed with the city
4 or village clerk if it has been signed by either of the following:

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30.

5 **SECTION 29.** 66.0217 (3) (b) (intro.) of the statutes is amended to read:

6 66.0217 (3) (b) *Annexation by referendum.* (intro.) **A Except as provided in s.**
7 229.864 (4), a petition for a referendum on the question of annexation may be filed
8 with the city or village clerk signed by a number of qualified electors residing in the
9 territory equal to at least 20% of the votes cast for governor in the territory at the last
10 gubernatorial election, and the owners of at least 50% of the real property either in
11 area or assessed value. The petition shall conform to the requirements of s. 8.40.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30.

12 **SECTION 30.** 66.0219 (intro.) of the statutes is amended to read:

13 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

14 As a complete alternative to any other annexation procedure, and subject to s.
15 66.0307 (7) ⁸⁶⁴ and s. 229.865 (4), unincorporated territory which contains electors and
16 is contiguous to a city or village may be annexed to the city or village under this
17 section. The definitions in s. 66.0217 (1) apply to this section.

History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; 2001 a. 30.

18 **SECTION 31.** 66.0221 (1) of the statutes is amended to read:

19 66.0221 (1) Upon its own motion and except as provided in s. 229.865 (4), a city
20 or village, by a two-thirds vote of the entire membership of its governing body, may
21 enact an ordinance annexing territory which comprises a portion of a town or towns
22 and which was completely surrounded by territory of the city or village on
23 December 2, 1973. The ordinance shall include all surrounded town areas except

1 those that are exempt by mutual agreement of all of the governing bodies involved.
2 The annexation ordinance shall contain a legal description of the territory and the
3 name of the town or towns from which the territory is detached. Upon enactment of
4 the ordinance, the city or village clerk immediately shall file 6 certified copies of the
5 ordinance in the office of the secretary of state, together with 6 copies of a scale map.
6 The secretary of state shall forward 2 copies of the ordinance and scale map to the
7 department of transportation, one copy to the department of natural resources, one
8 copy to the department of revenue and one copy to the department of administration.
9 This subsection does not apply if the town island was created only by the annexation
10 of a railroad right-of-way or drainage ditch. This subsection does not apply to land
11 owned by a town government which has existing town government buildings located
12 on the land. No town island may be annexed under this subsection if the island
13 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies
14 to annexations under this subsection. Except as provided in sub. (2), after
15 December 2, 1973, no city or village may, by annexation, create a town area which
16 is completely surrounded by the city or village.

History: 1999 a. 150 s. 62; 2001 a. 16.

17 **SECTION 32.** 66.0223 of the statutes is amended to read:

18 **66.0223 Annexation of territory owned by a city or village.** In addition
19 to other methods provided by law and subject to ss. 59.692 (7) and, 66.0307 (7), and
20 229.864 (4), territory owned by and lying near but not necessarily contiguous to a
21 village or city may be annexed to a village or city by ordinance enacted by the board
22 of trustees of the village or the common council of the city, provided that in the case
23 of noncontiguous territory the use of the territory by the city or village is not contrary
24 to any town or county zoning regulation. The ordinance shall contain the exact

1 description of the territory annexed and the names of the towns from which
2 detached, and attaches the territory to the village or city upon the filing of 7 certified
3 copies of the ordinance in the office of the secretary of state, together with 7 copies
4 of a plat showing the boundaries of the territory attached. Two copies of the
5 ordinance and plat shall be forwarded by the secretary of state to the department of
6 transportation, one copy to the department of administration, one copy to the
7 department of natural resources, one copy to the department of revenue and one copy
8 to the department of public instruction. Within 10 days of filing the certified copies,
9 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
10 in which the annexed territory is located. Section 66.0217 (11) applies to annexations
11 under this section.

History: 1973 c. 90; 1977 c. 29 s. 1654 (8) (c); 1991 a. 269; 1993 a. 329; 1995 a. 27 s. 9145 (1); 1995 a. 201; 1997 a. 27; 1999 a. 150 s. 69; Stats. 1999 s. 66.0223.

12 **SECTION 33.** 66.0301 (1) (a) of the statutes is amended to read:

13 66.0301 (1) (a) In this section “municipality” means the state or any
14 department or agency thereof, or any city, village, town, county, school district, public
15 library system, public inland lake protection and rehabilitation district, sanitary
16 district, farm drainage district, metropolitan sewerage district, sewer utility district,
17 solid waste management system created under s. 59.70 (2), local exposition district
18 created under subch. II of ch. 229, local professional baseball park district created
19 under subch. III of ch. 229, local professional football stadium district created under
20 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
21 metropolitan service district created under subch. VI of ch. 229, family care district
22 under s. 46.2895, water utility district, mosquito control district, municipal electric
23 company, county or city transit commission, commission created by contract under

1 this section, taxation district, regional planning commission, or city-county health
2 department.

History: 1999 a. 150 ss. 348, 349, 352, 353; 1999 a. 167 s. 38; 2001 a. 16, 30.

3 **SECTION 34.** 66.0309 (8) (c) of the statutes is created to read:

4 66.0309 (8) (c) 1. Subject to subd. 2., not later than the first day of the 7th
5 month after the effective date of this paragraph [revisor inserts date], each
6 regional planning commission shall designate the boundaries of all urbanized areas
7 in the region, based on at least all of the following factors:

- 8 a. Population density.
9 b. Compactness.
10 c. Community of interests.
11 d. Cost effectiveness of service delivery.

12 2. Following an initial designation of urbanized areas under this paragraph,
13 a regional planning commission shall redesignate urbanized areas of the county
14 every 5 years, based on the factors listed in subd. 1.

15 3. The boundaries of an urbanized area may consist of any combination of the
16 whole of any city, the whole of any village, or the whole or part of any town.

17 **SECTION 35.** 66.0615 (1) (bs) of the statutes is created to read:

18 66.0615 (1) (bs) "Metropolitan service district" has the meaning given for
19 district in s. 229.86 (3).

20 **SECTION 36.** 66.0615 (1m) (a) of the statutes is amended to read:

21 66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,
22 and a district, under par. (e), and a metropolitan service district, under par. (em), may
23 adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except
24 sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and

1 other persons furnishing accommodations that are available to the public,
2 irrespective of whether membership is required for use of the accommodations. A tax
3 imposed under this paragraph is not subject to the selective sales tax imposed by s.
4 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and
5 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a
6 municipality shall be paid to the municipality and may be forwarded to a commission
7 if one is created under par. (c), as provided in par. (d). A tax imposed under this
8 paragraph by a metropolitan service district shall be paid to the district. Except as
9 provided in par. (am), a tax imposed under this paragraph by a municipality or by
10 a metropolitan service district may not exceed 8%. Except as provided in par. (am),
11 if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the
12 municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150, 565 to 567; Stats. 1999 s. 66.0615.

13 **SECTION 37.** 66.0615 (1m) (em) of the statutes is created to read:

14 66.0615 (1m) (em) 1. The governing body of a metropolitan service district may
15 adopt a resolution imposing a room tax under par. (a) if none of the municipalities
16 within the ^{metropolitan service} district's jurisdiction under s. 229.862, that are also part of the district,
17 impose such a tax and if all such municipalities enact an ordinance authorizing the
18 ^{metropolitan service} district to impose the tax under par. (a). A tax imposed under par. (a) applies within
19 every municipality that is both located within the ^{metropolitan service} district's jurisdiction and that is
20 part of the ^{metropolitan service} district. ~~district.~~

21 2. If a metropolitan service district stops imposing and collecting a room tax,
22 the municipalities within the district's jurisdiction that are also a part of the district
23 may impose a room tax under par. (a).

24 **SECTION 38.** 66.0615 (2) (intro.) of the statutes is amended to read:

1 66.0615 (2) (intro.) As a means of enforcing the collection of any room tax
2 imposed by a municipality ~~or~~, a district, or a metropolitan service district under sub.
3 (1m), the municipality ~~or~~, district, or metropolitan service district may exchange
4 audit and other information with the department of revenue and may do any of the
5 following: ✓

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615.

6 **SECTION 39.** 66.0615 (2) (a) of the statutes is amended to read:

7 66.0615 (2) (a) If a municipality ~~or~~, district, or metropolitan service district has
8 probable cause to believe that the correct amount of room tax has not been assessed
9 or that the tax return is not correct, inspect and audit the financial records of any
10 person subject to sub. (1m) pertaining to the furnishing of accommodations to
11 determine whether the correct amount of room tax is assessed and whether any room
12 tax return is correct. ✓

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615.

13 **SECTION 40.** 66.0615 (2) (d) of the statutes is amended to read:

14 66.0615 (2) (d) Require each person who is subject to par. (c) to pay an amount
15 of taxes that the municipality ~~or~~, district, or metropolitan service district determines
16 to be due under par. (c) plus interest at the rate of 1% per month on the unpaid
17 balance. No refund or modification of the payment determined may be granted until
18 the person files a correct room tax return and permits the municipality ~~or~~, district,
19 or metropolitan service district to inspect and audit his or her financial records under
20 par. (a). ✓

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615.

21 **SECTION 41.** 66.0615 (3) of the statutes is amended to read:

22 66.0615 (3) The municipality shall provide by ordinance and the district or
23 metropolitan service district shall provide by resolution for the confidentiality of
24 information obtained under sub. (2) but shall provide exceptions for persons using ✓

1 the information in the discharge of duties imposed by law or of the duties of their
2 office or by order of a court. The municipality ~~or~~, district, or metropolitan service
3 district may provide for the publishing of statistics classified so as not to disclose the
4 identity of particular returns. The municipality ~~or~~, district, or metropolitan service
5 district shall provide that persons violating ordinances or resolutions enacted under
6 this subsection may be required to forfeit not less than \$100 nor more than \$500. ✓

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615.

7 **SECTION 42.** 66.0617 (1) (a) of the statutes is amended to read:

8 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
9 improve public facilities, including the cost of land, and including legal, engineering,
10 and design costs to construct, expand, or improve public facilities, except that not
11 more than 10% of capital costs may consist of legal, engineering, and design costs
12 unless the political subdivision or metropolitan service district can demonstrate that
13 its legal, engineering, and design costs which relate directly to the public
14 improvement for which the impact fees were imposed exceed 10% of capital costs.
15 “Capital costs” does not include other noncapital costs to construct, expand, or
16 improve public facilities or the costs of equipment to construct, expand, or improve
17 public facilities.

18 **SECTION 43.** 66.0617 (1) (c) of the statutes is amended to read:


19 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
20 or interests in land, or any other items of value that are imposed on a developer by
21 a political subdivision or a metropolitan service district under this section.

22 **SECTION 44.** 66.0617 (1) (d) of the statutes is amended to read:

23 66.0617 (1) (d) “Land development” means the construction or modification of
24 improvements to real property that creates additional residential dwelling units

1 within a political subdivision or metropolitan service district or that results in
2 nonresidential uses that create a need for new, expanded, or improved public
3 facilities within a political subdivision or metropolitan service district.

4 **SECTION 45.** 66.0617 (1) (dg) of the statutes is created to read:

5 66.0617 (1) (dg) "Metropolitan service district" has the meaning given for
6  district in s. 229.86 (3).

7 **SECTION 46.** 66.0617 (1) (g) of the statutes is amended to read:

8 66.0617 (1) (g) "Service area" means a geographic area delineated by a political
9 subdivision or metropolitan service district within which there are public facilities.

10 **SECTION 47.** 66.0617 (1) (h) of the statutes is amended to read:

11 66.0617 (1) (h) "Service standard" means a certain quantity or quality of public
12 facilities relative to a certain number of persons, parcels of land, or other appropriate
13 measure, as specified by the political subdivision or metropolitan service district.

14 **SECTION 48.** 66.0617 (2) (a) of the statutes is amended to read:

15 66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an
16 ordinance under this section, and a metropolitan service district may adopt a
17 resolution under this section, that imposes impact fees on developers to pay for the
18 capital costs that are necessary to accommodate land development.

19 **SECTION 49.** 66.0617 (2) (am)[^] of the statutes is renumbered 66.0617 (2) (am)

20 1.

21 **SECTION 50.** 66.0617 (2) (am) 2.[^] of the statutes is created to read:

22 66.0617 (2) (am) 2. No metropolitan service district may impose an impact fee
23 under this section for any purpose other than a purpose that is related to providing
24 a service that is specified in s. 229.863 (2) and (3). ✓

***NOTE: Is the scope of services for which a district may impose an impact fee OK or is it too broad?

1 **SECTION 51.** 66.0617 (3) of the statutes is amended to read:

2 66.0617 (3) PUBLIC HEARING; NOTICE. Before ~~enacting a political subdivision~~
3 ~~enacts an ordinance or a metropolitan service district adopts a resolution~~ that
4 imposes impact fees, or ~~amending amends~~ an existing ordinance ~~or resolution~~ that
5 imposes impact fees, a political subdivision ~~or a metropolitan service district~~ shall
6 hold a public hearing on the proposed ordinance ^{or resolution} for amendment. Notice of the public
7 hearing shall be published as a class 1 notice under ch. 985, and shall specify where
8 a copy of the proposed ordinance ^{or resolution} for amendment and the public facilities needs
9 assessment may be obtained.

10 **SECTION 52.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

11 66.0617 (4) (a) (intro.) Before enacting an ordinance ~~or adopting a resolution~~
12 that imposes impact fees or amending an ordinance ~~or resolution~~ that imposes
13 impact fees by revising the amount of the fee or altering the public facilities for which
14 impact fees may be imposed, a political subdivision ~~or a metropolitan service district~~
15 shall prepare a needs assessment for the public facilities for which it is anticipated
16 that impact fees may be imposed. The public facilities needs assessment shall
17 include, but not be limited to, the following:

18 **SECTION 53.** 66.0617 (4) (b) of the statutes is amended to read:

19 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
20 needs assessment that is prepared under this subsection shall be available for public
21 inspection and copying in the office of the clerk of the political subdivision ~~or in the~~
22 ~~office of the secretary of the board of the~~ metropolitan service district at least 20 days
23 before the hearing under sub. (3).

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1 **SECTION 54.** 66.0617 (5) of the statutes is amended to read:

2 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
3 resolution adopted under this section may impose different impact fees on different
4 types of land development.

5 (b) An ordinance enacted or resolution adopted under this section may
6 delineate geographically defined zones within the political subdivision or
7 metropolitan service district and may impose impact fees on land development in a
8 zone that differ from impact fees imposed on land development in other zones within
9 the political subdivision or metropolitan service district. The public facilities needs
10 assessment that is required under sub. (4) shall explicitly identify the differences,
11 such as land development or the need for those public facilities, which justify the
12 differences between zones in the amount of impact fees imposed.

13 **SECTION 55.** 66.0617 (6) (intro.) of the statutes is amended to read:

14 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
15 ordinance enacted or resolution adopted under this section:

16 **SECTION 56.** 66.0617 (6) (b) of the statutes is amended to read:

17 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
18 are required to serve land development, as compared to existing uses of land within
19 the political subdivision or metropolitan service district.

20 **SECTION 57.** 66.0617 (6) (h) of the statutes is created to read:

21 66.0617 (6) (h) Shall be payable, no sooner than 90 days after final plat
22 approval, by the developer to the metropolitan service district either in full or in
23 installment payments that are approved by the ~~park and recreation~~ district.

24 **SECTION 58.** 66.0617 (7) of the statutes is amended to read:

Metropolitan
Service district

1 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
2 under this section may provide for an exemption from, or a reduction in the amount
3 of, impact fees on land development that provides low-cost housing, except that no
4 amount of an impact fee for which an exemption or reduction is provided under this
5 subsection may be shifted to any other development in the land development in
6 which the low-cost housing is located or to any other land development in the
7 political subdivision or metropolitan service district.

8 **SECTION 59.** 66.0617 (8) of the statutes is amended to read:

9 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
10 fees shall be placed in a segregated, interest-bearing account and shall be accounted
11 for separately from the other funds of the political subdivision or metropolitan
12 service district. Impact fee revenues and interest earned on impact fee revenues may
13 be expended only for capital costs for which the impact fees were imposed.

14 **SECTION 60.** 66.0617 (9) of the statutes is amended to read:

15 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
16 under this section shall specify that impact fees that are imposed and collected by
17 a political subdivision or metropolitan service district but are not used within a
18 reasonable period of time after they are collected to pay the capital costs for which
19 they were imposed shall be refunded to the current owner of the property with
20 respect to which the impact fees were imposed. The ordinance or resolution shall
21 specify, by type of public facility, reasonable time periods within which impact fees
22 must be spent or refunded under this subsection. In determining the length of the
23 time periods under the ordinance, ^{or resolution} a political subdivision or metropolitan service
24 district shall consider what are appropriate planning and financing periods for the
25 particular types of public facilities for which the impact fees are imposed.

1 **SECTION 61.** 66.0617 (10) of the statutes is amended to read:

2 66.0617 (10) **APPEAL.** A political subdivision that enacts an impact fee
3 ordinance under this section shall, by ordinance, and a metropolitan service district
4 that adopts an impact fee resolution under this section shall, by resolution, specify
5 a procedure under which a developer upon whom an impact fee is imposed has the
6 right to contest the amount, collection, or use of the impact fee to the governing body
7 of the political subdivision or metropolitan service district.

8 **SECTION 62.** 66.0617 (11) of the statutes is created to read:

9 66.0617 (11) **TRANSFER OF UNUSED IMPACT FEES.** If a city, village, or town
10 transfers title to any of its property or facilities to a metropolitan service district, as
11 described in s. 229.862 (6) (a), and if the city, village, or town has unspent impact fees
12 that were to be used for such property or facilities, the city, village, or town shall
13 transfer such impact fees to the metropolitan service district.

14 **SECTION 63.** 66.1341 of the statutes is amended to read:

15 **66.1341 Towns to have certain city powers.** Towns have all of the powers
16 of cities under ss. 66.0923, 66.0925, 66.1201 to 66.1329 and 66.1331 to 66.1335,
17 except the powers under s. 66.1201 (10) and any other powers that conflict with
18 statutes relating to towns and town boards. As described in s. 229.864 (5), certain
19 towns have all of the powers of cities under s. 66.1105.

History: 1993 a. 246; 1999 a. 150 s. 454; Stats. 1999 s. 66.1341.

20 **SECTION 64.** 67.01 (5) of the statutes is amended to read:

21 67.01 (5) “Municipality” means any of the following which is authorized to levy
22 a tax: a county, city, village, town, school district, board of park commissioners,
23 technical college district, metropolitan sewerage district created under ss. 200.01 to
24 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60,

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1 metropolitan service district under subch. VI of ch. 229, public inland lake protection
2 and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other
3 public body empowered to borrow money and issue obligations to repay the money
4 out of public funds or revenues. "Municipality" does not include the state.

5 **SECTION 65.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes is
6 created to read:

7 **CHAPTER 229**

8 **SUBCHAPTER VI**

9 **METROPOLITAN SERVICE DISTRICTS**

10 **229.86 Definitions.** In this subchapter:

11 (1) "Chief executive officer" means, as to a sponsoring municipality or as to a
12 municipality that is wholly within the jurisdiction of a district, the mayor or city
13 manager of a city, the village president of a village, or the town board chairperson of
14 a town.

15 (2) "Commission" means a metropolitan service commission, which is the
16 governing body of a district.

17 (3) "District" means a metropolitan service district, which is a special purpose
18 district created under this subchapter.

19 (4) "Enabling resolution" means a resolution, or an amendment of a resolution,
20 adopted by the governing body of a municipality and signed by the chief executive
21 officer to create a district.

22 (6) "Municipality" means any city that is located in an urbanized area; any
23 village that is located in an urbanized area; or any town or portion of a town that is
24 located in an urbanized area.

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as originally
typed

(7) "Sponsoring municipality" means any municipality that creates a district in combination with another municipality. ✓

(8) "Urbanized area" means an area that is designated as such by a regional planning commission, or a county zoning agency, under s. 66.0309 (8) (c) or 59.69 (2) (g). ✓

✓ **229.861 Creation, organization, and administration.** (1) Subject to sub. (3), 2 or more municipalities that are located within a single urbanized area may create a district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and the sponsoring municipalities, and that has the powers under s. 229.863, if the sponsoring municipalities do all of the following:

(a) Adopt ^{an enabling} resolution, subject to sub. (2), that declares its intent to create a district. ^{and declares which 2 or more services under s. 229.863(2) the district will provide} ✓

(b) File copies of the resolution with the clerk of each municipality and county that is wholly or partly within the boundaries of the urbanized area.

(2) (a) Subject to sub. (3), a district shall consist of at least 2 municipalities. Each sponsoring municipality shall be identified in a substantially similar ^{enabling} resolution that is adopted by the governing body of each sponsoring municipality within a 30-day period beginning with the date of adoption of the first enabling resolution.

****NOTE: I made this "window" 30 days because, upon the creation of a district, all municipalities within the urbanized area become part of the district unless they opt out within 60 days. Are these deadlines OK?

(b) If at least 2 municipalities adopt ^{an enabling} resolution under par. (a), every municipality in that urbanized area shall become a part of the district unless the municipality's governing body adopts a resolution, not later than 60 days after the ✓

1 adoption of the second enabling resolution, stating that it does not wish to become
2 part of the district.

3 (3) Before a district may be created, the governing bodies of each municipality
4 that is considering adopting a resolution under sub. (1) shall agree on a method for
5 selecting the members of the commission, as described under sub. (4). The members
6 of the commission shall either be elected at-large or by voting districts, and the
7 method of selection shall be specified in the resolution that is adopted under sub. (1).

8 *JEFF: Please review subs. (3) and (4). They are based on subs. (5) and (6) from*
9 *2001 ASA 1 to AB 601 and SB 424 (which are identical). Rep. Huber said that the*
10 *method of selection of commissioners should be based on those drafts, so take as much*
11 *as you can from s. 229.861 (6) of those drafts. I'm not sure what kind of time Rep.*
12 *Huber wants, i.e. I don't know if he wants to specify that the elections must be April.*
13 *I inserted sec. 229.861 (6). (e), (g), (h), and (i) from SB 424, and changed "board of*
14 *directors" to "commission", but please make any changes that you believe are*
15 *necessary. Also see s. 229.862 (7), 229.863 (4) (a) 2., and 229.864 (1).*

16 (4) (a) 1. The district is governed by its commission. The commission may
17 adopt bylaws to govern the district's activities, subject to this subchapter. Except as
18 provided in s. 229.864 (1), the commission shall consist of 9 elected members who are
19 selected by one of the procedures described under this subsection.

20 *INS*
21 *26-20* →
22 (e) The commission shall elect from its membership a chairperson, a vice
23 chairperson, a secretary, and a treasurer. A majority of the current membership of
24 the commission constitutes a quorum to do business. The district may take action
25 based on the affirmative vote of a majority of those commissioners who are present
at a meeting of the commission. ✓

26 *INS*
27 *26-25* →

1 (g) The members of the commission shall be reimbursed for their actual and
2 necessary expenses incurred in the performance of their duties. ✓

3 (h) Upon the election under par. (a) and qualification of a majority of the
4 members of a commission, the commission may exercise the powers and duties of a
5 commission under this subchapter, subject to s. 229.865 (1). ✓

6 (i) At its first meeting, the commission shall name the district for the most
7 populous municipality in the district, unless the commission decides on an alternate
8 name.

****NOTE: Par. (i) is based on your instruction, but it seems like it would be easier
to just say that the commission shall name the district; if you are giving them the power
to choose any name they want by stating that they can choose an alternate name, it
doesn't seem necessary to also state that they shall name the district for the most
populous muni in the district. ✓

9 (5) (a) The territory of a municipality may be in only one district.

10 (b) A district may be in more than one county, although a county may not be
11 part of a district.

12 (e) A municipality that joins a district under s. 229.862 (3) or (4) shall accept
13 all of the services provided by the district at the time that the municipality joins the
14 district. If such a municipality imposes a room tax under s. 66.0615 (1m) (a) and if
15 the district imposes a room tax under s. 66.0615 (1m) (a), the municipality shall enact
16 an ordinance that discontinues its collection of the room tax and that authorizes the
17 district to collect a room tax in that municipality. ✓ ✓

18 (f) Only one district may exist in an urbanized area, unless the commissions
19 of all of the existing districts in ^{the} an urbanized area adopt a resolution consenting to
20 the creation of another district in that urbanized area.

No additional
district may be created
in an urbanized area

21 (g) Once a district is created, it shall remain in effect unless it is dissolved as
22 provided in s. 229.867. ✓ If a municipality in a district loses its designation as an

1 urbanized area, that municipality may remain as part of the district unless the
2 municipality withdraws from the district as provided in sub. (6). ✓

3 (h) If a city or village whose territory is in one district annexes territory that
4 contains property or facilities that are located in a different district, that district
5 shall transfer ownership of the property or facilities that are located in the annexed
6 territory to the district whose territory includes the annexing city or village. The
7 district which receives the annexed territory shall negotiate a settlement agreement
8 with the district from which the territory was annexed to compensate that district
9 for the property or facilities that are transferred, based on at least all of the following
10 factors:

11 1. The current value of property or facilities that are transferred. ✓

12 2. The amount of money or any other contribution made by the district for the
13 property or facilities that are transferred. ✓

14 3. The amount of money or any other contribution made by the municipality
15 for the property or facilities that are transferred.

16 (i) If the districts are unable to negotiate a settlement under par. (h) within 60
17 days after the effective date of the annexation that results in the transfer of territory,
18 the districts shall agree on the selection of an arbitrator who shall decide the
19 settlement amount, and send written notification of his or her decision to all parties,
20 within 30 days after his or her appointment. ✓

21 (j) A transfer of ownership under (this subsection) takes effect on the date on
22 which a settlement is reached or the date on which an arbitrator sends written
23 notification of his or her decision. ✓
par. (h)
under par. (h)
under par. (i)

24 (6) (a) A municipality which is part of a district may withdraw from the district
25 as provided in this subsection if the governing body of the municipality adopts a

1 resolution declaring its intention to withdraw from the district and if the governing
2 bodies of all of the other municipalities that are part of the district adopt a resolution
3 approving the municipality's resolution. If a municipality withdraws from a district
4 under this subsection, title to the property or facilities ^{of the district} that are located in the
5 municipality shall be transferred from the district to the municipality. ✓

6 (b) If a municipality adopts a resolution declaring its intention to withdraw
7 from the district and if the governing bodies of all of the other municipalities that are
8 part of the district approve the resolution, the district shall dissolve as provided in
9 s. 229 ^{e 867} ~~865~~ if only one municipality remains a part of the district after a municipality
10 withdraws under this subsection. ✓ If more than one municipality remains a part of
11 the district after a municipality withdraws, the municipality that withdraws and the
12 district shall negotiate a settlement agreement to compensate that district for the
13 property or facilities that are located in the municipality, based on at least all of the
14 following factors:

- 15 1. The current value of property or facilities that are transferred. ✓
- 16 2. The amount of money or any other contribution made by the district for the
17 property or facilities that are transferred. ✓
- 18 3. The amount of money or any other contribution made by the municipality
19 for the property or facilities that are transferred. ✓

20 (c) If the municipality and the district are unable to negotiate a settlement
21 under par. (b) ✓ within 60 days after the last governing body approves the
22 municipality's resolution under par. (b), ✓ the municipality and the district shall agree
23 on the selection of an arbitrator who shall decide the settlement amount, and send
24 written notification of his or her decision to all parties, within 30 days after his or her

1 appointment. The municipality shall comply with the arbitrator's decision during
2 any court challenge to the decision.

3 (d) A withdrawal under this subsection takes effect on the date on which a
4 settlement is reached or the date on which an arbitrator sends written notification
5 of his or her decision.

6 *except that if a withdrawal would otherwise become effective during the period beginning on November 1 and ending on the succeeding June 1, the withdrawal becomes effective on the 2nd succeeding June 1 following that date*
7 **229.862 Jurisdiction and expansion.** (1) The initial jurisdiction of a
8 district shall consist of the territory of all of the sponsoring municipalities that have
9 acted under s. 229.861 (1) and (2), and all of the territory that is subject to inclusion
10 in a district under s. 229.861 (2) (b) other than territory located in a municipality that
has opted out under s. 229.861 (2) (b). *commissioner who resides in the withdrawn municipality is vacated.*

11 (2) If only the urbanized part of a town is part of a district, the remainder of
12 the town shall be added to the district if it becomes an urbanized area. Upon the
13 approval of the commission, the nonurbanized area of a town may be added to a
14 district at any time.

15 (3) If the governing body of a city or village that is not in a district's urbanized
16 area adopts a resolution requesting that it become part of a district, the city or village
17 may become part of the district only upon the approval of all of the governing bodies
18 of the municipalities that are part of the district. ✓

19 (4) If a municipality that opts out of a district by adopting a resolution under
20 s. 229.861 (2) (b) adopts a resolution requesting that it become part of a district, the
21 municipality may become part of the district only upon the approval of the
22 commission and all of the governing bodies of the municipalities that are part of the
23 district. ✓

24 (5) Following the redesignations of urbanized areas by a regional planning
25 commission under s. 66.0309 (8) (c) 2., or by a county under s. 59.69 (2) (g) 3., a

1 municipality that becomes part of an urbanized area in which a district exists shall
2 become a part of the district in which it is located, unless the municipality's
3 governing body opts out of the district by adopting a resolution, not later than 60 days
4 after the redesignation takes effect, stating that it does not wish to become part of
5 a district.

6 (6) (a) Subject to s. 229.865 (1), the commission and ^{each} municipality shall
7 determine which property and facilities of ^{the} a municipality that is part of the district's
8 initial jurisdiction, or that becomes part of the district as described under this
9 section, shall be transferred from the municipality to the district. The property and
10 facilities that may be transferred to the district may only be real and personal
11 property, including debt, that relates to a service to be provided by the district and
12 ^{that} which the district determines is necessary to provide the service. The commission's
13 and the municipality's determination of which property and facilities shall be
14 transferred from ^{the} a particular municipality to the district shall be based on at least
15 all of the following factors:

16 1. The proportion that the municipality's population is ^{STET: leave as typed} to the total population
17 of the district.

18 2. The proportion that the equalized value of the municipality's taxable real
19 property is to the total equalized value of the taxable real property of the district.

20 (b) The value of the facilities and property that is transferred to the district
21 from each municipality shall be based on at least all of the following factors:

22 1. The fair market value of the property and facilities.

23 2. The amount of money that the municipality has invested in the property and
24 facilities.

****NOTE: Is par. (b) consistent with your intent? The instructions didn't really specify any criteria that the district should apply. It's also unclear to me whether you want the district to be able to decide unilaterally (subject to the veto panel) which municipal facilities and property ~~is~~^{are} transferred to the district, or if you want the district and a municipality try to negotiate the transfer of facilities and property, subject to an arbitrator's intervention and the veto panel's review.

(c) If the commission and a municipality are unable to reach an agreement on the facilities and property that are to be transferred to the district under par. (b) within 90 days after the municipality becomes part of a district, the municipality and the district shall agree on the selection of an arbitrator who shall decide the terms of the settlement and send written notification of his or her decision to all parties, within 30 days after his or her appointment.

****NOTE: Is this arbitration provision sufficient, or do you want a cross-reference to ch. 788? Also see the list in s. 229.865 (2).

(7) Eligible electors of a municipality ^{who are} included in the expanded jurisdiction of a district may vote for members of the board of directors at the first election occurring after the effective date of the expansion at which members of the ~~board of directors~~^{commission} are elected.

229.863 Powers of district. (1) A district has all of the powers necessary or convenient to carry out the purposes and provisions of this subchapter.

(2) ^{Subject to sub.(3), at least 2 of} A district shall provide the following services:

(a) Economic development services directed at attracting business to the district ^{and directed at eliminating competition between municipalities in the district that encourages businesses to locate in a particular municipality that is located in the district.}

(b) Land use planning, by developing a comprehensive plan, as that term is used in s. 66.1001 (1) (a), for the district as if the district were a local governmental unit under s. 66.1001 (1) (b), and by encouraging all of the municipalities in the

**** NOTE: This provision is worded broadly so that a district has flexibility to request cooperation, rather than ~~compete~~ from municipalities within the district. It may be a good idea to define what types of services a district must provide under this paragraph. Otherwise, this paragraph could be interpreted as a broader grant of authority than you intend.

district to adopt comprehensive plans under s. 66.1001 that are consistent with the plan adopted by the district. A district's comprehensive ^{plan} under this paragraph shall be adopted by the district as soon as possible. Such a plan may only be used for advisory purposes, unless the district exercises zoning powers under ^{par. (e)} ~~sub. (3)(b)~~ and ³ ~~(a)~~ ³ ~~(d)~~ and except as provided in sub. ³ ~~(d)~~ ³ ~~(d)~~.

(3) Subject to sub. (4), a district may provide any of the following services:

(l) ~~(a)~~ Fire and emergency medical services.

(d) ~~(b)~~ Parks and recreation services.

(e) ~~(c)~~ Zoning.

(f) ~~(d)~~ Mass transit. ^{services}

(g) ~~(e) State highways~~ ^{Highway maintenance services.}

(h) ~~(f)~~ Police.

(i) ~~(g)~~ Recycling.

(j) ~~(h)~~ Snow removal

(j) ~~(i)~~ Yard waste and garbage collection.

(k) ~~(j)~~ Dog licenses.

(l) ~~(k) Bartender licenses~~ ^{Issuance of alcohol beverages operators' licenses.}

(m) ~~(l)~~ Street lighting

(n) ~~(m)~~ Street cleaning.

^{34(b)} (a) 1. If all of the municipalities that are part of a district adopt a resolution requesting that the district provide a service under sub. ² ~~(b)~~, the district shall provide that service. If one or more, but not all, of the municipalities that are part of a district adopt a resolution requesting that the district provide a service under sub. ² ~~(b)~~, the district may either provide the service to or within the municipalities that have requested the service or the district may choose to not provide the service.

2. If less than all of the municipalities in a district request that the district provide a service under sub. (a) and if the district provides the service, the residents of each municipality that has not adopted a resolution requesting that the service be provided may petition the municipality's governing body to either adopt such a resolution or provide for ~~a binding~~ ^{an advisory} referendum. The petition and referendum requirements under s. 9.20 (1) to (7), as they apply to direct legislation in cities and villages, shall apply to a petition and referendum that is undertaken under this paragraph ~~and a resolution adopted by a municipality's governing body may not be vetoed by a mayor~~ ^{except that a referendum if approved by the electors, is not binding.}

(b) If a district engages in zoning under sub. (a), the district shall exercise authority under s. 62.23 (7) and act as if it were a city. A district acting under this paragraph may create a "District Plan Commission" to act as if it were a "City Plan Commission" as described in s. 62.23 (1). If a district acts under this paragraph, all zoning ordinances that were enacted by a municipality that is part of the district before the district exercises zoning authority under this paragraph remain in effect until the district amends or repeals the ordinances.

****NOTE: Please review this subsection, especially sub. (a) (a) and (b), closely to ensure that it meets your intent. Your instructions don't really specify how a district's zoning authority should be exercised or how a petition and referendum should be conducted.

(c) Except in the case of parks and recreation services under sub. (a) and highways under sub. (a), and except as provided in par. (d), if a county provides a service listed in sub. (a) to all of the municipalities in the district, that service may not be provided by a district.

(d) If at the time a district is created a town is subject to county zoning under s. 59.69, town zoning under s. 60.61, or is unzoned, that portion of the town that is part of a district shall be subject to a district's comprehensive plan upon the plan's

1 adoption. The town shall also be subject to district zoning authority that may be
2 exercised under sub. ~~(3)(a)~~ ^{(2)(e)} notwithstanding s. 59.69 (5) (c). ✓

3 (e) 1. If the district provides fire and emergency medical services under sub.
4 ~~(3)(a)~~ ^{(2)(c)}, the commission shall establish a board of fire commissioners. ✓

5 2. If the district provides police services under sub. ~~(3)(a)~~ ^{(2)(h)}, the commission shall
6 establish a board of police commissioners. ✓

7 3. If the district provides both fire and emergency medical services under sub.
8 ~~(3)(a)~~ ^{(2)(c)} and police services under sub. ~~(3)(a)~~ ^{(2)(h)}, the commission shall establish a board
9 of police and fire commissioners. ✓

10 4. A board created under this paragraph shall be organized in the same manner
11 as boards of police and fire commissioners under s. 62.13 (1). ✓

12 5. A board created under this paragraph is subject to the provisions of s. 62.13
13 (2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class
14 cities. In applying s. 62.13 under this paragraph the commission's chairperson has
15 the powers and duties specified for a mayor, the commission has the powers and
16 duties specified for a common council and the district has the powers and duties
17 specified for a city. ✓

18 ⁽³⁾
***NOTE: Par. (e) is based on s. 60.57. Is it consistent with your intent?

19 (f) *****LRB Attorneys: Please use par. (f), (g), etc., if you need to add**
20 **some language to explain how a service that is listed in sub. (3) may be**
21 **exercised by a district. In particular, I thought that extra language may be**
22 **needed for mass transit, state highways, recycling, dog licenses, and**
23 **bartender licenses.**

24 ⁽⁴⁾ In addition to all other powers granted by this subchapter, a district may
do all of the following:

1 (a) Adopt and alter an official seal.

2 (b) Sue and be sued in its own name, and plead and be impleaded.

3 (c) Maintain an office.

4 (d) In connection with property or facilities used or needed by a district to
5 perform the services ^{it} ~~is~~ provides:

6 1. Acquire, develop, equip, maintain, improve, operate, and manage such
7 property or facilities.

8 2. Enter into contracts, subject to such standards as may be established by the
9 board of directors ~~commission~~

10 3. Grant concessions.

11 4. Operate recreational facilities or programs.

12 (e) Employ personnel, and fix and regulate their compensation; and provide,
13 either directly or subject to an agreement under s. 66.0301 as a participant in a
14 benefit plan of another municipality, any employee benefits, including an employee
15 pension plan.

16 (f) Purchase insurance, establish and administer a plan of self-insurance, or,
17 subject to an agreement with another political subdivision under s. 66.0301,
18 participate in a governmental plan of insurance or self-insurance.

19 (g) Set standards governing the use of, and the conduct within, its property,
20 facilities, and recreational facilities in order to promote public safety and
21 convenience and to maintain order. ✓

22 (h) ~~It~~ To carry out its functions, levy a tax on the taxable property in the district, ✓
23 as equalized by the department of revenue under s. 70.57. ~~Except as provided in~~
24 ~~subsection~~ the commission shall establish the tax levy rate. The tax levy shall be
25 applied to the respective real property and personal property tax rolls of the city,

each

5 or part of a town

1 village, and town included in the district and shall not be included within any
2 limitation on county or municipality taxes. Collected taxes levied under this
3 paragraph shall be paid to the district treasurer.

4 *JOE: Rep. Huber said, in general, that this bill should be modeled after the park*
5 *district bill, but the "instruction memo" we're to use makes no mention of a tax levy*
6 *rate limit or a referendum override. I made a few cosmetic changes (i.e. "board of*
7 *directors" was changed to "commission", but nothing too substantive). You may want*
8 *to check with Rep. Huber's office on what parts of subds. 1, and 2, they want to keep.*
9 *He said nothing one way or the other about a tax levy rate limitation or referenda, so*
10 *I took out the x-ref to tax levy rate limitation.*

11 2. In any year, the commissioners may adopt a resolution to establish a tax levy
12 rate that exceeds the tax levy rate limitation under s. *****, except that such a tax
13 levy rate may not take effect until the resolution is approved by a majority of the
14 electors in the district's jurisdiction voting on the resolution at a referendum, to be
15 held at the first spring primary, spring election, September primary, general election,
16 or special election held throughout the district that is held at least 45 days after the
17 date of adoption of the resolution. The question shall be submitted as follows: "The
18 tax levy rate for the tax imposed in [name of the district] for purposes related to
19 services provided in its urbanized area for the year [year] is \$ per \$1,000 of
20 equalized value. The maximum tax levy rate that [name of the district] may
21 impose in any year is \$ per \$1,000 of equalized value. Shall the [name of the
22 district] be allowed to exceed this maximum rate limit for [a specified number of
23 years] [an indefinite period] by \$ per \$1,000 of equalized value, resulting in a tax
24 levy rate of \$ per \$1,000 of equalized value?" The clerk of the district shall publish
25 the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum held under

1 this paragraph. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2)
 2 (a) relating to the referendum is valid even if given and published late as long as it
 3 is given and published prior to the election as early as practicable.

4 (i) Accept gifts and other aid, which may be used only for the following
 5 purposes:

- 6 1. Maintaining the ~~the~~ district's property or facilities.
- 7 2. Operating the district's property or facilities.
- 8 3. Making capital improvements to the district's property or facilities.

9 (j) Administer the receipt of revenues, and oversee the payment of bills or other
 10 debts incurred by the district.

11 (jm) With regard to the ~~elected~~ members of the commission, change any
 12 decision imposed by an arbitrator under s. 229.862 (6) (B).

Paragraph
 ****NOTE: ~~Par~~ (jm) is modeled on s. 229.863 (11) of the parks district draft, but I
 don't think that it works in this bill because an arbitrator arbitrates disputes between the
 commission and the municipalities. I think par. (jm) should be deleted.

13 (k) Adopt a resolution to impose a room tax under s. 66.0615 (1m)(em).

14 (L) Adopt a resolution to impose impact fees under s. 66.0617.

15 (m) Issue debt under ch. 67 only for capital improvements to property or
 16 facilities.

17 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

18 The number of members of the ~~board of directors~~ ^{Commission} specified in s. 229.861 (4) (a) 1. may
 19 be changed only by an agreement that is approved unanimously by the governing ^{Ordinance or resolution} of
 20 bodies of each municipality that makes up the jurisdiction of the district. ^{Each such}
~~Ordinance or resolution shall include an revised schedule for expiration of the~~

21 (2) Except as otherwise provided in this section, the governing bodies of each ^{terms}
 22 municipality that makes up the jurisdiction of the district may not expend any funds ^{OK}
 23 to support property or facilities that are owned by the district, or impose an impact ^{of the}

identical
 under s. 227.861 ~~that~~ ^{Commissioners} that does not change the term of office of any
 current or future commissioner and if commissioners are elected pursuant to
 an apportionment plan under s. 229.861 ~~that~~ ^{an identical revised apportionment}
 plan. **INS 38A** - (4)(b)1.

✓
1 fee under s. 66.0617 for property or facilities that are related to providing a service
2 being provided by a district. ✓

****NOTE: Is this subsection consistent with your intent?

3 (3) In addition to any powers that it may otherwise have, a municipality located
4 wholly or partly within a district's jurisdiction may do any of the following:

5 (a) Make loans to a district upon terms that the municipality considers
6 appropriate. ✓

7 (b) Lease or transfer property to a district upon terms that the municipality
8 considers appropriate. ✓

9 (4) No city or village may annex any town territory under s. 66.0217, 66.0219,
10 66.0221, or 66.0223 if that territory is part of a district, except that such territory
11 may be annexed under a boundary agreement under s. 66.0307. ✓ (2) (e) (3)

12 (5) The board of any town which, in whole or in part, is located in a district that
13 provides the town with zoning and planning services under s. 229.863 (2) (e) and (4)

14 (d) may exercise all powers of cities under s. 66.1105 in the part of the town that is
15 subject to such district services. If the town board exercises the powers of a city under
16 s. 66.1105, it is subject to the same duties as a common council under s. 66.1105 and
17 the town is subject to the same duties and liabilities as a city under s. 66.1105.

18 (6) A municipality that is located in and is part of a district that provides police
19 services under s. 229.863 (2)(h) ✓ shall be exempted from 75% of the county tax levy
20 for field services provided by the sheriff's department.

****NOTE: What do you intend "field services" to include? Do you want to be any more specific?

21 **229.865 Dispute resolution, veto** board (1) (a) Upon the creation of a
22 district under this subchapter, there shall be created for that district a veto panel,
23 the membership of which shall be the chief executive officer of each municipality that

1 is part of the district. If a municipality becomes part of a district after its creation,
2 the chief executive officer of the municipality shall become a member of the veto
3 panel. ✓

4 (b) A veto panel shall exist until the first day of the 120th month beginning after
5 the district's creation. Any member of a veto panel may call a meeting of the panel
6 at any time.

7 (c) A veto panel may, by a vote of 50% of the members present at the meeting
8 at which the vote occurs, veto any action of the commission. The commission may
9 override any such veto by a vote of two-thirds of the members present at the meeting
10 at which the vote occurs to override a veto.

***NOTE: Is sub. (1) consistent with your intent? Do you want to allow veto panel
members to vote by mail or phone? If so, I'll find out if any specific authorization is
needed. ✓

11 (2) Other than a dispute for which arbitration is specified in this subchapter, ✓
12 any dispute between a commission and a municipality, in any of the following areas,
13 shall be submitted to arbitration under ch. 788: ✓

14 (a) The creation of a district. ✓

15 (b) The governance of a district. ✓

16 (c) The functions of a district. ✓

17 (d) The services provided by a district. ✓

18 (e) The transfer of property and facilities from a district to a municipality upon
19 the dissolution of a district under s. 229.867. ✓

20 **229.866 Commencement of services.** A district may determine the date on
21 which it commences providing any service, and shall provide written notification of
22 the date to a municipality. A municipality shall cease providing the service as of the
23 date specified by the district. If the district begins to provide a service other than at

1 the start of a municipality's fiscal year, the municipality that receives the service
2 shall transfer to the district the unexpended municipal funds from its current year's
3 budget that are specified for the provision of such service. The amount of
4 unexpended funds that are transferred shall be based on the date on which the
5 municipality stops, and the district starts, providing the service. ✓

6 **229.867 Dissolution of district.** (1) Subject to providing for the payment of
7 its debts, and the performance of its other contractual obligations, a district may be
8 dissolved by the action of the commission. ✓ If the district is dissolved, the commission
9 shall certify to each of the municipalities that are a part of the district that the
10 district is dissolved, and the property of the district shall be transferred to such
11 municipalities by the commission, based on at least all of the following factors:

12 (a) The current value of property and facilities transferred by a municipality
13 to a district.

14 (b) The amount of money contributed to the district during its existence by a
15 municipality under ss. 66.0615 and 229.863(4)(h) ~~and 229.863(4)(h)~~ ✓
~~and 229.863(4)(h)~~ ✓

16 (c) The amount of any other contribution made by a municipality to a district,
17 including any contribution that is made under s. 229.864 (3). ✓

18 (2) If a municipality disagrees with the commission's decisions regarding the
19 transfer of property, the municipality may have its disagreement settled by an
20 arbitrator under s. 229.865 (2) (e). ✓

21 **SECTION 66.** Laws of 1975, chapter 105, section 1 (1) and (2) ~~are~~ ^{is} amended to
22 read:

23 [Laws of 1975, chapter 105] Section 1 (1) The legislature finds that the existing
24 system of allocating aggregate property tax revenues among tax levying
25 municipalities has resulted in significant inequities and disincentives. The cost of

✓
Insert
Ret
41-20

1 public works or improvements within a city ~~or~~, village, or certain towns has been
2 borne entirely by the city ~~or~~, village, or town, while the expansion of tax base which
3 is stimulated, directly or indirectly, by such improvements, benefits not only the city
4 ~~or~~, village, or town but also all municipalities which share such tax base. This
5 situation is inequitable. Moreover, when the cost to a city ~~or~~, village, or town of a
6 public improvement project exceeds the future benefit to the city ~~or~~, village, or town
7 resulting therefrom, the city ~~or~~, village, or town may decide not to undertake such
8 project. This situation has resulted in the postponement or cancellation of socially
9 desirable projects.

10 (2) The legislature further finds that accomplishment of the vital and beneficial
11 public purposes of sections 66.405 to 66.425, 66.43, 66.431, 66.435 and 66.52 of the
12 statutes, is being frustrated because of a lack of incentives and financial resources.
13 The purpose of this act is to create a viable procedure by which a city ~~or~~, village, or
14 certain towns, through its own initiative and efforts, may finance projects which will
15 tend to accomplish these laudable objectives.

16 (END)

¶ Sec*. Initial app

¶ (1) The treatment of section 79.05(1)(bm) of the Statutes first applies
to distributions in 2004.

under the expenditure
restraint program

D-note

FNS MES 10-7

Section #. 61.65 (2) (a) 2. of the statutes is amended to read:

61.65 (2) (a) 2. Contracting for fire protection services with a city or town or with another village.
A village that contracts for fire protection services ^{under this subdivision} shall pay the full cost of services provided.

History: 1975 c. 94 s. 91 (5); 1975 c. 199; 1977 c. 29 s. 1654 (8) (d); 1977 c. 182; 1979 c. 256; 1981 c. 96 s. 67; 1981 c. 171; 1985 a. 166; 1987 a. 27, 399; 1993 a. 16, 77, 213.

✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/P1dn

MES.....

gjs

JK

Representative Huber:

As we have prepared this version of the bill, we have developed a number of questions and comments. ✓

a Section 229.864 (6), exempting certain municipalities from 75% of the county tax levy for field services provided by the sheriff's department, is drafted according to your instructions. As I've discussed with you, however, this provision could be challenged as a violation of the uniformity clause of the Wisconsin Constitution, article VIII, section 1. Basically, the uniformity clause requires that the taxation of real property be uniform.

The 75% exemption of certain county residential property taxes that is created in this bill, however, essentially provides a refund to some taxpayers based on whether the metropolitan services district in which they reside provides police services. Arguably, such a refund provides a partial exemption for the property taxes of some taxpayers. The Wisconsin Supreme Court has held that reducing the taxes on some property but not exempting the property is a partial exemption that violates the uniformity clause. See *Knowlton v. Supervisors of Rock County*, 9 Wis. 410 (1859), *Gottlieb v. Milwaukee*, 33 Wis. 2d 408, 427-428 (1967), and *Ehrlich v. Racine*, 26 Wis. 2d 352 (1964). It could be argued that the economic effect of this provision is a reduction of property tax liability, which is a partial exemption, and that the provision therefore violates the uniformity clause.

Is the dissolution statute, under s. 229.867 consistent with your intent, or would you like the underlying municipalities to have a greater role in a district's dissolution? ✓

Under the bill, beginning with distributions in 2004, a metropolitan services district is eligible for a payment under the expenditure restraint program. ✓ In addition, beginning with distributions in 2004, a metropolitan services district will receive a payment from the county and municipal aid account based on the cost of services transferred to the district by the underlying municipalities, as determined by the department of revenue, and the payments to the underlying municipalities will be reduced accordingly. The 2003 shared revenue payments are not affected by the bill because municipalities have already received notice of their estimated shared revenue payments for 2003 and have established their budgets based on such estimates. Also, please note that the current mechanism for distributing shared revenue payments ends with the 2003 distribution and is replaced by a much simpler distribution

calculation. Consequently, it is easier to begin shared revenue payments to districts in 2004 rather than make complex changes to appropriations and statues that will have no ~~effect~~ after 2003. Is that okay?

effect

MZL

DAK